

**To:** Tim Vendlinski[Vendlinski.Tim@epa.gov]  
**From:** Foresman, Erin  
**Sent:** Tue 4/21/2015 8:14:13 PM  
**Subject:** FW: West False River Barrier Attn: Director Cowin  
[Michael A. Brodsky, STCDA Drought Barriers Comments.pdf](#)  
[ATT00001.htm](#)

**From:** Michael A. Brodsky [mailto:michael@brodskylaw.net]  
**Sent:** Tuesday, April 21, 2015 1:02 PM  
**To:** Janiene.friend@water.ca.gov  
**Cc:** Oscar@Waterboards Biondi; William.H.Guthrie@usace.army.mil SPK Guthrie; Scianni, Melissa; Foresman, Erin; Hagler, Tom; Dwredbcomments@water.ca.gov  
**Subject:** West False River Barrier Attn: Director Cowin

April 21, 2015

VIA EMAIL

Mark Cowin

Director

California Department of Water Resources

Dear Director Cowin:

This office represents Save the California Delta Alliance (“STCDA”). STCDA is headquartered in Discovery Bay, California. STCDA represents the interests of individuals who live and work in the Delta, including those with waterfront homes located in Discovery Bay, Delta-related businesses, and many who engage in all kinds of water-related recreation in the Delta. STCDA regularly turns out several hundred enthusiastic members at its town-hall-style meetings held in Discovery Bay. As you are probably aware, Discovery Bay is a fresh water community that is vulnerable to salt water intrusion. However, we do have concerns about the proposed West False River Barrier and barriers in general.

We are writing to ask, in view of the pending applications before the California State Water Resources Control Board ("SWRCB" or "Board"), the United States Army Corps of Engineers ("ACOE" or "Corps"), and the United States Coast Guard ("Coast Guard"), if the California Department of Water Resources ("DWR") would be willing to agree to certain conditions to be attached to any permits for an emergency salinity barrier to be installed at West False River this year.

The conditions we request are as follows: 1) That the barrier will be removed on or before November 30, 2015; 2) That combined export pumping for Jones and Banks will be limited to 1500 cfs at any time the barrier is in place and; 3) That, before installation of any future salinity barrier in the Delta, DWR will complete the California Environmental Quality Act ("CEQA") process for long-term drought planning as originally contemplated by DWR's request for "long-term programmatic permits" for emergency drought measures in the Delta.

We are encouraged that DWR has dropped the Sutter and Steamboat Slough barriers. We are still concerned that any barrier is a drastic measure with significant adverse impacts on the Delta. We understand that these concerns must give way to the need to export water to supply the human health and safety needs of communities dependent on project water at times of critical low flow. However, we do not feel that barriers represent a good long-term solution for supplying health and safety needs. We believe there are better alternatives. We also believe that if there is enough water to allow exports above health and safety levels then there is enough water for the barrier to come down.

We understand that Governor Brown has used his emergency powers to abrogate the CEQA process that was underway for long-term drought planning. We are concerned about the potential for a series of "emergency" declarations over coming years that effectively substitute ad hoc executive declarations for long-term programmatic planning.

I have attached the comments we submitted through the CEQA process before Governor Brown terminated it. The comments provide detailed rationale for the need to prepare an environmental impact report on the long-term project of supplying the health and safety needs of communities dependent on project water at times of critical low flow. The comments provide suggestions for analysis of alternatives to barriers. Installing the West False River Barrier this summer with appropriate permit conditions would allow time to complete programmatic long-term planning and environmental review before the summer of 2016, eliminating the need for future emergency declarations in years 2016–2026.

As you can see from the attached comments, STCDA is positioned to favor reasonable measures to repel salinity from the Delta. I would be more than willing to discuss these matters with you by phone or in person at your convenience.

Sincerely,

Michael Brodsky